IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 12333 of 2004

Between:

Ramesh Rathod, s/o Mohan Rathod,
aged 40 years, Scheduled Tribe, Ex.M.L.A.,

Khanapur Constituency, Adilabad District,

r/o Quarter No.157, New M.L.A.Quarters,
Adarsh Nagar, Basheerbagh, Hyderabad.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep., by its Secretary,
State Legislature, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondent in trying to evict the petitioner forcibly from the Family Quarter No.157, New M.L.A. Quarters, Adarsh Nagar, Basheerbagh, Hyderabad, as arbitrary, unjust, illegal and violative of the fundamental rights under Articles 14 and 21 of the Constitution of India and consequently direct the respondent to permit the petitioner to continue to stay in the above Family Quarter.

For the Petitioner: None appeared
Counsel for the Respondent: GP FOR LAW & LEGISLATIVE AFFAIRS

The Court made the following:

ORDER:

Counsel for the petitioner Sri S.Kuljeet Singh expired on 17.11.2004. This Court directed the Registry to issue notice to the petitioner so as to enable him to be represented in the writ petition by an alternative counsel. Notice was served on the petitioner as per the note of the Registry. When the matter is listed today, however, there is neither vakalat filed by any other counsel nor any representation on behalf of the petitioner.

2. The writ petition is taken up for hearing. The petitioner is admittedly a former M.L.A. He was elected in 1999 from the Khanapur (Scheduled Tribe) Assembly Constituency. In 2001 he was allotted a family quarter No.157 in the New Legislators Quarters at Adarsh Nagar. In the recently concluded elections, the petitioner contested but lost. Consequently, in order to provide accommodation to the newly elected legislators, the respondent issued a notice dated 13.05.2004 followed by another notice dated 07.6.2004 and a telegram dated 21.6.2004 directing the petitioner to vacate family quarter on 26.6.2004, failing which appropriate steps would be initiated for ensuring his eviction from the quarter. In the circumstances, the writ petition is filed.

3. According to the petitioner, his native area is in a remote tribal area infected by extremists problem and there is threat and imminent danger to his life and therefore he is entitled to continue in the family quarters meant for legislators, particularly in view of the fact that his children are studying in Hyderabad.

4. The respondent has filed counter affidavit stating that provision of quarters is governed by the Members of the Andhra Pradesh State Legislature (provision of accommodation) Rules, 1974 under which the petitioner was provided accommodation. As per Rule (4) 3 of the Rules on ceasing to be a member, a person required to vacate the quarters. As the petitioner ceased to be a member of

the Legislative Assembly, he is required to vacate the quarters and notices have been issued. In the circumstances there is no provision for continuing a former legislator in the quarters.

5. No legal right, to continue infinitely in the legislator's quarter, is either pleaded or established by the petitioner. There are no merits in the writ petition.

6. The writ petition is, accordingly, dismissed. No costs.

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GODA RAGHURAM,J

Date: 21st December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of Andhra Pradesh,
State Legislature, Hyderabad.

2. Two CCs to the Government Pleader for Law and Legislative, High Court Buildings, Hyderabad (OUT).

3. Two CD copies